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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,795	02/18/2004	Clas G. Sivertsen	60046.0049US11	2719

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EXAMINER

GILMAN, ALEXANDER

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,795	Applicant(s) SIVERTSEN, CLAS G.	
	Examiner Alexander D. Gilman	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Alex Gilman

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 14-29 are rejected on the ground of nonstatutory double patenting over the respective claims 1-9 of U. S. Patent No. 6,875,059 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: an apparatus comprising a housing with an integrated input connector, power output cord, a power supply, a control circuit.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al.

With regard to claims 1 and 2, Peterson (US 6,160,728) disclose an apparatus comprising:

- a housing;
- a power input connector (terminating 10);
- a power output connection (130) for delivery of power to the second powered device;
- a power supply for converting AC to DC (220).
- a power output cord (a cord attached to 140) configured to deliver alternating current to the first powered device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al in view of Chen et al.

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Peterson et al disclose all of the limitations except for a switch on an external portion of the housing.

Chen et al (US 5,563,782) disclose (Fig 20) a switch on an external portion of the housing (20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Peterson et al with the switch, as taught by Chen et al, to safely operate the Peterson et al apparatus.

2. Claims 7-10, 15, 16, 20, 21, 27, 28, 33, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al in view of Faulk.

With regard to claims 7, 8, 20, and 21, 27, 28, 33, 34, Peterson et al disclose all of the limitations except for explicitly disclosing IEC-320 connectors.

Since the IEC -320 connector are standard for using voltages from 100 to 240 volts (Faulk, US 5,907,197; col. 1, lines 9-26) and Peterson et al suggest that their device is used for AC 120, 140 volts, it would have been obvious to one having ordinary skill in the art at the time the invention was made to arrange Peterson et al with the IEC-320 connectors, as taught by Faulk, to operate the Peterson et al apparatus at the specified voltages.

With regard to claims 9, 10, 15, 16, 24, 30, Peterson et al disclose all of the limitations except for a cable assembly with a connector.

Faulk disclose a cable assembly (Fig. 2d) with a connector.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Peterson et al with the cable assembly, as taught by Faulk, to operate the second powered device.

3. Claims 11, 14, 23, 29, 33, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al in view of Harada et al or Yang.

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Peterson et al disclose all of the limitations except for a control circuit.

Harada et al (US 5,910,750) disclose a control circuit (Fig. 1b,).

Yang (US 6,664,758) discloses a control circuit (Fig. 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Peterson et al with a control circuit, as taught by Harada et al or Yang, to disable the alternating connector when the functional circuit is not activated for safety reasons.

With regard to claims 13, 22, 35, Peterson -Harada et al disclose the claimed invention except for integral mounting the power cord to the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was integrally mount the power cord to the housing, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Howard v. Detroit Stove Works, 150 U.S. 164 (1893).

4. Claims 12, 17-19, 25, 26, 31, 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al in view of Harada et al and further in view of Voloshin.

Peterson et al- Harada et al disclose all of the limitations except for a connection structure to make the second powered device operative to control the input signal.

Voloshin (US 5,961,619) disclose s a bus connector (Fig. 4, 5) to make the second powered device operative to control the input signal.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Peterson et al with a control circuit, as taught by Nagai et al, to make the respective connectors operative or non-operative

Response to Arguments

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Applicant's arguments filed 02/06/2006 have been fully considered but they are not persuasive.

With regard to claim 1, Applicant asserts that Peterson does not describe or even mention such a cord configured to mate with a plug or power input connector of a first powered device and to deliver AC to the first powered device.

However, Peterson disclose that the receptacle 140 should be utilized for kitchen appliances, office equipment, lamps, power tools and other electric devices which are generally designed to be powered by a 120V AC. (col. 1, lines 15-19). These devices inherently include a power output cord being configured to mate with a plug or power input connector of that powered device. (For example, kitchen appliances, office equipment, lamps, power tools and other electric devices.

With regard to claims 14, 23, 29, Applicant argues that Harada fails to teach or describe that the control circuit is operative to allow or prevent the flow of alternating current (AC) to the DC/DC converter. Instead, according to Applicant, Harada describes that the control circuit is Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

operative to allow and prevent the flow of DC to the DC/DC converter.

However, Harada et al (the secondary reference) disclose a control circuit (Fig. 3. Harada) which is identical to the control circuit claimed (Fig. 3 of the invention). Functionality of the control circuit is not affected by type of current which is prevented or allowed by the control circuit. That control circuit (not a whole embodiment of Harada et al) was incorporated in the Peterson (the primary reference) to control AC.

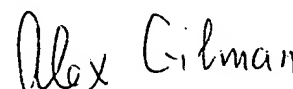
Examiner respectfully submits an analogous counterargument regarding the similar Applicant's argument regarding the secondary reference –Yang.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D. Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

04/27/2006



ALEXANDER GILMAN
PRIMARY EXAMINER